

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 406 of 2004 (S/B)

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| 1. Union of India through
Secretary, Ministry of Defence,
Government of India,
R.K. Puram, New Delhi | | |
| 2. The Deputy Controller of Defence Accounts
Air Force, Rajpur Road,
Dehradun | | Petitioners |

Versus

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| 1. Central Administrative Tribunal,
Allahabad Bench, Allahabad | | |
| 2. S.P. Matta s/o Late K.C. Matta,
R/o 21/55, E. C. Road, Dehradun
Presently working as Assistant
Accounts Officer,
OPTO Electronic Factory,
Dehradun | | Respondents |

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Mr. V.B.S.Negi Assistant Solicitor General of India for the petitioners
Mr. V.K. Kohli, Senior Advocate for the respondent no. 2.

Coram: Hon. Cyriac Joseph, C.J.
Hon. P.C. Verma, J.

[Per Hon'ble Chief Justice (Oral)]

The petitioners challenge the order dated 12.05.2004 passed by the Central Administrative Tribunal, Allahabad Bench on Review Application No. 24 of 2002 in Original Application No. 23 of 2001. As per the impugned order, the Central Administrative Tribunal quashed the order dated 18.02.2000 passed by the Controller General of Defence Accounts(CGDA) imposing the penalty of reduction of pay by two stages with cumulative effect on the second respondent. The order was quashed on the ground that even though the Disciplinary Authority was competent to disagree with the finding of the Enquiry Officer, the Disciplinary Authority (i.e. CGDA) did not issued any disagreement note of his own and relying on the disagreement note issued by the Controller of Defence Accounts who was not the Disciplinary Authority, imposed the penalty on

the second respondent. It is not disputed by the learned counsel for the petitioners that Disciplinary Authority in respect of the second respondent was the Controller General of Defence Accounts. If that be so, we are inclined to agree with the Tribunal that the CGDA could not have held the second respondent guilty and imposed a penalty on him, without issuing any disagreement note of his own.

Hence, we do not find any merit in the writ petition. The writ petition is dismissed.

(P.C. Verma, J.)

20.04.2005

(Cyriac Joseph, C.J.)

20.04.2005

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